IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 18310 of 2006

DATED: 4.06.2007

Between:

Aided Elementary School,
Kasipatnam,
Anantagiri Mandal, Visakapatanam petitioner

And

1.. The District Educational officer,
Visakapatnam & ors Respondents

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ORAL ORDER:

This writ petition is filed questioning the action of the first respondent in not ratifying the termination orders of the 5th respondent dated 20.4.2005 as illegal and arbitrary.

The facts in brief which lead to filing of the present writ petition are as under.

The petitioner herein is school and the 5th respondent herein is working in the petitioner school as Secondary Grade Teacher with effect from 12.6.2001. The 5th respondent was issued with a show cause notice dated 22.12.2003 alleging that he is not taking interest in teaching and interfering with the day-to-day affairs of the school and encouraging the students to join other schools and calling for his explanation. Since no explanation was submitted, another show cause notice dated 30.6.04 was issued. Thereafter, the first respondent vide letter dated 4.8.2004 directed the third respondent/Mandal Educational Officer to enquire into the matter and submit a report. Thereafter it is alleged that the 5th respondents has withdrawn certain amounts by fraud and forgery and based on a complaint from the petitioner the first respondent vide letter dated 17.9.2004 directed the third respondent to enquire into the matter and submit a report. The petitioner school issued proceedings dated

20.4.2005 terminating the services of the 5th respondent and sought ratification from the first respondent vide letter dated 8.5.2005. The first respondent ordered for personal hearing, however, the same could not be conducted for administrative reasons and postponed. Now the present writ petition is filed questioning the action of the first respondent in not ratifying the termination of the 5th respondent.

The first respondent filed a counter affidavit stating that keeping in view the complaints and counter complaints made by the correspondent of the petitioner school and 5th respondent, a personal hearing was order and the same was postponed from time to time. It is stated that the petitioner school failed to conduct enquiry in terms of provisions of section 79 (2) of the Education Act, 1982, as such, the Deputy Educational Officer, Paderu was appointed as Enquiry Officer to enquire into the matter vide proceedings dated 1.9.2005. It is further stated that the Mandal Educational Officer, Anantagiri has conducted enquiry and submitted his report dated 21.11.2005 holding that the allegations leveled against 5th respondent are false and baseless. Thereafter the petitioner school made a representation disputing the enquiry conducted by the Mandal Educational Officer, Ananthagiri and requesting to re-enquire into the matter. In turn, proceedings dated 28.8.2006 were issued directing the Mandal Educational Officers of Ananthagiri and Arakuvalley mandals to conduct joint enquiry and to submit a detailed report and the report of the enquiry is awaited and on receipt of the report, further course of action would be initiated in the matter.

Heard the learned counsel for petitioner, learned Government Pleader for School Education and learned counsel for 5th respondent. Both counsel agreed for disposal of the writ petition with a direction to

the respondents for expeditious completion of the pending joint enquiry.

Having regard to the fact that the report of the joint enquiry is awaited and in view of the agreed stand taken by both the counsel,
I deem it appropriate to direct the respondents to conclude the joint enquiry expeditiously, preferably within a period of three months from the date of receipt of copy of this order. It is needless to mention that the authorities are at liberty to take further course of action in the matter based on the joint enquiry report.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

DATE: 4.6.2007
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